



WILLIAM T FUJIOKA  
Chief Executive Officer

## County of Los Angeles CHIEF EXECUTIVE OFFICE

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June 4, 2012

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To: Supervisor Zev Yaroslavsky, Chairman  
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From: William T Fujioka  
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

### **SACRAMENTO UPDATE**

This memorandum contains pursuits of County positions on legislation related to: 1) criminal history information on applications for employment; and 2) nutrition standards for family child care homes; a change in pursuit of County position on legislation regarding sidewalk repairs; provides the status of ten County-advocacy bills; and information on legislation of County interest related to foster care services.

### **Pursuit of County Position on Legislation**

**AB 1831 (Dickinson)**, which as amended May 17, 2012, would prohibit a city or county from inquiring into an applicant's criminal history on the initial employment application. The bill would authorize a local agency to inquire into or consider an applicant's criminal history only after the applicant's qualifications have been screened and the agency has determined the applicant meets the minimum employment requirements, as stated in any notice issued for the position. This measure would not apply to a position for which a local agency is otherwise required by law to conduct a criminal history background check or to any position within a criminal justice agency. The bill states legislative intent that AB 1831 would increase employment opportunities for people who have previously offended.

*"To Enrich Lives Through Effective And Caring Service"*

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The Department of Human Resources (DHR) indicates that AB 1831 would require the County to modify its current employment practices, and cause delays and inefficiencies in the hiring process. According to DHR, existing Board policy requires the County to collect an applicant's personal and criminal history information on the initial job application. Specifically, the County employment application clearly states that not all convictions constitute an automatic bar to employment. Factors such as a person's age at the time of the offense, the date of the offense, and the relationship between the offense and the job for which the person is applying are taken into account during the application screening process. Live Scan or criminal background checks are initiated at the time of hire after the screening of qualifications and the examination phases of the hiring process.

According to the Department of Human Resources, these practices are detailed in DHR Policy Number 514 titled: "Designation of Sensitive Positions and Requirements for Criminal History Information" which was implemented in 1998. In that year, the Board resolved that the County should not place a person in a sensitive position of employment if he or she has been convicted of a felony or a misdemeanor, except that such conviction may be disregarded if it is determined that there were mitigating circumstances or that the conviction is not related to the position and poses no threat or risk to the County or to the public. The resolution further directed that all County departments must secure criminal conviction information on candidates being considered for positions within the following categories:

- Positions that involve the care, oversight, or protection of persons through direct contact with such persons;
- Positions having direct or indirect access to funds or negotiable instruments;
- Positions that require State and/or professional licensing;
- Positions that involve public safety and/or law enforcement;
- Positions that have access to or charge for drugs or narcotics;
- Positions that have access to confidential or classified information including criminal conviction information; and
- Positions that involve the care, oversight, or protection of County, public or private property.

The Department of Human Resources notes that the County has carefully balanced the interests of individuals with convictions against its obligation to safeguard the public well-being and maintain the integrity of County employment process. At the same time, DHR has developed a transparent system that provides an applicant a fair opportunity to seek public sector employment. The County system encourages persons with convictions to apply for employment by not only advising applicants of the basis by which convictions are evaluated, but also highlights the fact that a conviction may not bar an applicant from employment.

This office and the Department of Human Resources oppose AB 1831. Therefore, consistent with existing Board policy to oppose any abridgement or elimination of the Board's powers and duties unless the change promotes a higher priority of the Board, **the Sacramento advocates will oppose AB 1831.**

AB 1831 is supported by the National Employment Law Project, the California National Association for the Advancement of Colored People, the American Civil Liberties Union of California, the Lawyers' Committee for Civil Rights of the San Francisco Bay Area, All of Us or None, Legal Services for Prisoners with Children (San Francisco), A New Way of Life Reentry Project (South Central Los Angeles), The Legal Aid Society-Employment Law Center (San Francisco), and Rubicon Programs (East Bay). It is opposed by the California State Association of Counties, California District Attorneys Association and the California Police Chiefs Association.

AB 1831 passed the Assembly Floor by a vote of 41 to 34 on May 29, 2012. This measure now proceeds to the Senate.

**AB 1872 (Alejo)**, which as amended on May 25, 2012, would require family child care homes (FCCHs) to adhere to certain nutrition standards in the provision of meals and snacks as a condition of licensure. The bill would require FCCHs to ensure that any meals and snacks provided directly by FCCHs meet the recommended servings under the four basic food groups as specified by the U. S. Department of Agriculture Child and Adult Care Food Program (CACFP).

According to the Policy Roundtable for Child Care, AB 1872 would improve the likelihood that children enrolled in FCCHs receive nutritional snacks and meals. The CEO Office of Child Care indicates that local efforts are underway to influence healthy lifestyles in children and families participating in child care and development programs. The Office of Child Care notes that First 5 LA is working to promote the maintenance of healthy weights in children and that the Department of Public Health plans to partner with the Child Care Alliance of Los Angeles and its membership of Resource and Referral agencies to offer education, tools and training to encourage healthy eating habits and physical activities at child care and development programs across the County. The Office of Child Care notes that AB 1872 will support these local efforts.

This office supports AB 1872. Therefore, consistent with existing Board policies to support: 1) efforts to enhance the quality of early care and education, and ensure the health and safety of all children cared for in early care and education facilities; and 2) measures which establish, enhance, or fund policies, programs, and standards that encourage healthy eating, **the Sacramento advocates will support AB 1872.**

AB 1872 is sponsored by California Food Policy Advocates and supported by the American Federation of State, County and Municipal Employees; American Heart Association; California WIC Association; California Pan-Ethnic Health Network; Child Care Food Program Roundtable; Children Now; Choices for Children; Community Child Care Council of Santa Clara County; Del Norte Child Care Council Family Child Care Council; First 5 Shasta; Imperial County Children and Families First Commission; North Coast Opportunities, Inc.; Options: A Child Care and Human Services Agency; Solano Family & Children's Services; The Atkins Center for Weight and Health, UC Berkeley; and Valley Oak Children's Services. The measure is opposed by the California Right to Life Committee

AB 1872 passed the Assembly Floor by a vote of 52 to 25 on May 30, 2012. This measure now proceeds to the Senate.

#### **Change in County Position on Legislation**

**County-opposed AB 2231 (Fuentes)**, which as amended on May 31, 2012 would provide that if a city, county, or city and county has an ordinance in place that requires that local entity to repair sidewalks, a repeal of that ordinance shall become effective only if the repealing ordinance is approved by the majority of voters in a consolidated or general election.

As previously reported, AB 2231 would have created a new State mandate and make significant changes to California law by making cities and counties responsible for the repair of any sidewalks they own or any sidewalks that have been damaged by a plant or tree. The bill also would have prohibited cities and counties from imposing an assessment on the adjacent property owner for the repair of the sidewalk. As a result and consistent with existing Board-approved policy to oppose new unfunded mandates unless they promote a higher priority of the Board, the Sacramento advocates opposed AB 2231.

However, according to the Department of Public Works, as currently amended, AB 2231 will no longer impact the County as the County does not have an ordinance that would fall under the provisions of the bill. Therefore, **the Sacramento advocates will remove the County's oppose position, and take no position on this measure at this time.**

AB 2231 was amended on the Assembly Floor on May 31, 2012 and re-referred to the Assembly Committee on Local Government where it is waiting to be scheduled for hearing.

### **Status of County Advocacy Legislation**

**County-supported AB 1560 (Fuentes)**, which as amended on May 25, 2012, would require the California Department of Social Services, to the extent permitted by Federal law, to waive the CalFresh Program gross income test for any individual who is categorically eligible for CalFresh and who is a member of a household that receives, or is eligible to receive, medical assistance under the Medi-Cal program, passed the Assembly Floor by a vote of 51 to 25 on May 30, 2012. This measure now proceeds to the Senate Human Services Committee.

**County-opposed AB 1692 (Wieckowski)**, which as amended on May 2, 2012, would revise the existing neutral evaluation option for local governments prior to seeking Federal Chapter 9 bankruptcy protection, failed to pass the Assembly Floor by a vote of 31 to 28 on May 29, 2012, but was granted reconsideration and passed the Assembly Floor by a vote of 42 to 24 on May 31, 2012. This measure now proceeds to the Senate.

**County-opposed AB 1968 (Wieckowski)**, which as amended on May 29, 2012 would authorize any probation or deputy probation officer to carry a firearm as determined by the chief probation officer on a case-by-case basis and would require each chief probation officer to develop a policy for arming probation officers who supervise high-risk probationers by June 30, 2013.

As previously reported, AB 1968 would have required any probation or deputy probation officer who supervises a high-risk probationer to be armed. While the current amendments remove that requirement, the bill continues to impose a State mandate requiring probation departments to develop a policy for arming probation officers and maintains the presumption that probation officers be armed. Therefore, **the Sacramento advocates will continue to oppose AB 1968.**

AB 1968 passed the Assembly Floor by a vote of 74 to 0 on May 31, 2012. This measure now proceeds to the Senate.

**County-supported AB 2214 (Monning)**, which as amended on March 27, 2012, would require the California Workforce Investment Board to establish the Health Workforce Development Council to develop a statewide plan and strategies to increase the health care workforce, passed the Assembly Floor by a vote of 48 to 25 on May 30, 2012. This measure now proceeds to the Senate.

**County-supported AB 2062 (Davis)**, which as amended May 25, 2012, would permit all filers of the Statement of Economic Interest (Form 700) to submit statements electronically in accordance with Fair Political Practices Commission (FPPC)

regulations, and would require local government agencies intending to use an electronic filing system to pay a fee of \$1,000 along with their initial system proposal, passed the Assembly Appropriations Committee by a vote of 12 to 0 on May 25, 2012. This measure is currently on the Assembly Floor.

AB 2062 is an urgency measure and would be effective immediately if it is enacted by the Legislature and signed by Governor Brown. If this measure is enacted, the Executive Office of the Board indicates that it will absorb the fee within their existing budget. Therefore, **the Sacramento Advocates will continue to support AB 2062.**

**County-opposed AB 2226 (Hueso)**, which as amended on March 22, 2012, would: 1) require that in a proceedings before a State agency, city, county, or city and county, as specified, if the title to or ownership of a property is in question, the owner of the legal title to the property is presumed to be the owner of the full beneficial title, as specified; and 2) specify that the requirements of the bill apply to all State agencies, even if otherwise exempt from provisions related to administrative adjudication, as specified, or if the governing procedure of the agency is determined by a different statute or regulation, passed the Assembly Floor by a vote of 53 to 11 on April 26, 2012. This measure is currently awaiting a hearing in the Senate Judiciary Committee.

**County-supported AB 2547 (Blumenfield)**, which as amended on May 1, 2012, would create the State Office of the Homeless Youth Advocate for purposes of coordinating services for homeless youth, passed the Assembly Floor by a vote of 52 to 21 on May 30, 2012. This measure now proceeds to the Senate.

**County-opposed SB 986 (Dutton)**, which as amended May 29, 2012, would make changes to ABX1 26 (Chapter 5, Statutes of 2011) to allow successor agencies to keep bond proceeds of former redevelopment agencies rather than distributing those revenues to local taxing entities, failed passage on the Senate Floor by a vote of 7 to 18 on May 31, 2012 and will not proceed to the Assembly.

**County-supported SB 1044 (Liu)**, which as amended on March 19, 2012, would repeal the Library of California Act of 1998 and make conforming changes to the California Library Services Act of 1977 relating to the administration of public libraries, passed the Senate Floor by a vote of 37 to 0 on May 10, 2012. This measure is scheduled for a hearing in the Assembly Education Committee on June 13, 2012.

**County-opposed SB 1201 (De León)**, which as amended on May 29, 2012, removed the provisions of the bill related to the creation of a State-level Los Angeles River Interagency Access Council which would have coordinated with existing entities on projects related to the Los Angeles River. The bill deletes all provisions related to the Council. As currently amended, however, SB 1201 continues to amend the Flood

Control Act to provide for increased public use of navigable waterways under the control of the Los Angeles County Flood Control District (LACFCD) deemed suitable for recreational and educational purposes as long as that use is not inconsistent with the primary use and purpose of the land and facilities governed by the LACFCD.

As previously reported, the Department of Public Works indicates that the Flood Control Act already authorizes the LACFCD to provide, by agreement with other public agencies or private persons or entities, for the recreational use of the lands, facilities, and works of the LACFCD.

While the amendments removing reference to the formation of an Interagency Access Council address concerns related to the redundancy created by the establishment of such a body, they do not remove the concerns related to the unnecessary and potentially confusing changes to the Flood Control Act. **Therefore, the Sacramento advocates will continue to oppose SB 1201.**

SB 1201 passed the Senate Floor by a vote of 25 to 13 on May 30, 2012. This measure now proceeds to the Assembly.

### **Legislation of County Interest**

**AB 1712 (Beall)**, which as amended on May 25, 2012, includes provisions to: 1) transfer the approval of Transitional Housing Placement (THP) Plus Foster Care providers, serving non-minor dependents (NMDs), from counties to the California Department of Social Services (CDSS) and add THP-Plus Foster Care as a State licensing category; 2) clarify issues concerning county of residence and inter-county transfers for NMDs; 3) clarify the effect on reunification plans when a minor becomes a NMD; 4) clarify eligibility and contingencies for Adoption Assistance Payments for NMDs who are adopted as adults; 5) clarify NMDs' access to services, including reunification services; 6) clarify Kinship Guardianship Assistance Payment (Kin-GAP) Program and Adoption Assistance Program payments for non-minor former dependents; and 7) among other provisions.

AB 1712 passed the Assembly Floor by a vote of 76 to 0 on May 30, 2012, and now proceeds to the Senate Human Services Committee. This office is continuing to work with the Department of Children and Family Services and County Counsel to determine any potential programmatic and fiscal impact to the County, and also to analyze the recent technical amendments to the bill.

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As previously reported, AB 1712 is the vehicle for clean-up legislation to **County support-in-concept AB 12** (Chapter 559, Statutes of 2010) and AB 212 (Chapter 459, Statutes of 2011), which extended Foster Care and Kinship Guardian Assistance Program benefits to eligible youth up to 21 years of age, as provided in H.R. 6893, the Federal Fostering Connections to Success and Increasing Adoptions Act of 2008.

We will continue to keep you advised.

WTF:RA  
MR:VE:IGEA:lm

c: All Department Heads  
Legislative Strategist  
Local 721  
Coalition of County Unions  
California Contract Cities Association  
Independent Cities Association  
League of California Cities  
City Managers Associations  
Buddy Program Participants